

Introduction

I. Scope of this Report

Criminal Justice in Washington State was developed and written as a project of Washington State's Byrne Grant Committee. There is no centralized state administration of criminal justice programs in Washington State. However, the state, federal and local agencies that make up Washington's criminal justice system are linked by a public policy-making structure that creates the common laws and procedures that define the criminal justice system and its operation. This report provides a comprehensive description of the current structure and operation of that system.

The Byrne Grant Committee is made up of criminal justice and victim advocacy professionals who advise the Department of Community, Trade and Economic Development on best use for Byrne grant funds by:

- Developing a statewide strategy for use of Byrne Grant funds which includes an assessment of drug and violent crime problems in the state, analysis of the effectiveness of current efforts, and a plan of action for addressing the problems;
- Providing advice and counsel regarding the development and administration of the Byrne Program; and
- Making funding recommendations to CTED for appropriate programs to reduce violence and drug-related crimes in Washington State.

Grant #2003-DB-BX-0243, awarded to the State of Washington by the Bureau of Justice Programs, U.S. Department of Justice, supports Byrne grant programs and activities. The Department of Community, Trade and Economic Development (CTED) is the State's administrative agency for the Byrne Grant in Washington State. In Washington State Byrne grant funding currently supports a variety of strategies to reduce drug and violent crime, which include the following:

- Multi-Jurisdictional Narcotics Task Forces.
The Byrne grant provides funding for twenty law enforcement teams that investigate, apprehend and prosecute mid to upper-level drug traffickers
- Youth Violence Prevention
The youth violence prevention program supports thirteen community-based approaches to reduce youth violence, serving approximately 15,000 youth each year.
- Governor's Council on Substance Abuse
The Council is a cross system policy advisory group that advises the Governor and State agencies on state policy and programs actions to reduce substance abuse through prevention, treatment and law and justice strategies.
- Drug Courts
Approximately nine drug courts in Washington State receive Byrne funds, which provide supervised drug treatment for non-violent offenders in lieu of serving jail time.
- Criminal History Records
The purpose of the Criminal History Records project is to create a uniform, statewide system for reporting and compiling records on criminal history.
- Defender Training
Through Byrne grant funding the Washington Defenders Association provides information, technical assistance and training for public defenders.
- Domestic Violence Legal Advocacy
This project provides legal advocates for 42 domestic violence programs in Washington State. Advocates help victims of domestic violence navigate the Legal system. This project also provides training on current domestic violence laws and procedures for local law enforcement and prosecutors.

- Tribal Law Enforcement Assistance
This project funds projects that help local tribal law enforcement agencies develop improve services to their communities through strategies like community policing and officer training in police methods, violence prevention and drug interdiction.
- Crime Victims Advocacy
Crime victim's advocacy provides services to victims of violent crimes, other than sexual assault and domestic violence.

The purpose of this report is to provide a full description of the operation of Washington's criminal justice system to provide a foundation for future work to assess criminal justice system needs and strategic planning for public policy action to reduce the impact of drug and violent crime.

II. Geography and Demographics of Washington State

Washington State covers 66,582 square miles, making it the 20th largest state in the United States. Elevations range from sea level to the 14,411-foot tall Mount Rainier, the highest point in Washington State. Washington's coastline on the Pacific Ocean is 157 miles long. To the north, Washington State shares an international border with Canada.

The 2001 census update estimated population for Washington State was 5,987,973. More than a quarter of Washington's residents (25.7 percent) are under the age of 18, while 11.2 percent of the population is over 65. Caucasians who are not of Hispanic or Latino origin make up 78.8 percent of the population. People of Hispanic or Latino origin make up 7.5 percent of the population. Persons of Asian origin make up 5.5 percent of the population and African Americans account for 3.2 percent of the population.

There are 29 federally recognized Indian Tribes within the boundaries of Washington State. Census data for Washington State estimates that persons of American Indian or Alaska Native origin make up 1.6 percent of the state's population.

Manufacturing is the leading contributor to the state's economy. The state is a leading producer of such products as apples, wheat, and timber. Tourism and international trade are also essential contributors to the state's economic base.

III. Criminal Justice Policy Development

Public policy in the criminal justice area can be defined as general or specific strategies for resolving a particular crime-related issue. Public policy making can be a complicated process that involves several agencies of government and timelines of events.

The evolution of law and justice policy development generally utilizes long-standing governmental agencies and follows historical traditions and trends. All three branches of our governmental system – Executive, Legislative, and Judicial – contribute to policy development at the federal, state, and local government levels.

Significant criminal justice policy is drafted, debated, and enacted by the state legislature. After the legislature has adopted a law, administrative rule-making agencies are generally responsible for the implementation of the new law. There is delegation of legislative authority to the administrative agency for development of the details of the new policy. In some areas, such as constitutional criminal rights, courts may develop "court-made law", or "caselaw" that further interprets the law.

Federal, state, and local governments are involved in development of criminal justice policy on a regular basis. Most citizens understand the role of the federal and state government in this process, but do

not readily understand the more limited role of local governments.

In the State of Washington, the State Constitution, Article II, Section II, discusses the general delegation of police power to local government. A local government has “police powers” to the extent that local action does not contravene the State Constitution or State statutes. For example, local government may enact a public safety ordinance prohibiting the same type of conduct as prohibited by state statute so long as the statute was not intended to be exclusive and the ordinance and the state statute do not conflict. However, local police power is still subject to state and federal constitutional constraints.

An example of relatively recent public policy development can be found in the area of crime victims. In recent years, particularly vulnerable classes of people, such as children, the elderly and victims of sexual offenses have been recognized as significant factors in our system of justice. Recognition has been reflected in our statutory and administrative law and in government funding procedures, which are specifically allocated for the support and reimbursement of crime victims. Areas such as victims/witness services, hotlines, family support, and others are slowly being acknowledged and addressed in public policy

A. The Executive Branch

In Washington State, the Governor works with a cabinet of state agency directors to develop and carry out administrative policy for the delivery of state services. Some of the major cabinet-level agencies involved with criminal justice system operations include:

- Department of Corrections
- Department of Social and Health Services
- Office of Financial Management
- Washington State Patrol
- Department of Community, Trade and Economic Development
- Traffic Safety Commission
- Department of Health
- Military Department
- Governor’s Office of Indian Affairs
- Office of the Attorney General
- Liquor Control Board
- Indeterminate Sentencing Review Board

In Washington State, the Governor’s Office and cabinet level agencies receive advice and counsel from many sources as they research the criminal justice-related issues and policy solutions. Policy advisory committees made up of citizens with expertise and experience with criminal justice-related issues are a key resource. These groups bring a broad range of expertise and knowledge into the policy development process to help the Governor and state agencies stay current with criminal justice issues and the impact of crime in Washington’s communities.

Some policy advisory groups are short-term groups appointed to research and make recommendations for specific policy issues. Other policy advisory groups have a longer mission and work with cabinet agencies and the Governor’s Office on an ongoing basis to advise them on more long-term policy issues. These policy advisory groups include the Byrne Committee, the Governor’s Council on Substance Abuse, The Washington State Law and Justice Council, Department of Correction’s Victims Council, the Governor’s Juvenile Justice Advisory Committee, Department of Social and Health Services Division of Alcohol and Substance Abuse’s Citizen Advisory Council on Alcoholism and Drug Addiction, Washington State Patrol’s Organized Crime Advisory Board and the Task Force on Missing and Exploited Children, Department of Health’s Sex Offender Treatment Advisory Committee, and the Military Department’s Committee on Terrorism.

B. The Legislature

The Washington State Legislature is made up of two houses (or chambers), the Senate and the House of Representatives. Washington has 49 legislative districts, each of which elects a Senator and two Representatives. The Senate and House of Representatives meet in session each year to create new laws, change existing laws, and enact budgets for the state.

In the process of researching criminal justice issues for legislative action, the Legislature may consult with a number of sources, including the Washington State Institute for Public Policy (WSIPP), Sentencing Guidelines Commission (SGC), the Legislative Evaluation and Accountability Program (LEAP), the Superior Court Judges Association, Juvenile Court Administrators Association, Washington State Association of Counties, Washington Association of Prosecuting Attorneys, Washington State Association of Sheriffs and Police Chiefs, and the Association of Washington Cities.

The members of the House and Senate offer proposed legislation, or bills, for consideration. The ideas for bills come from a number of places. Often something that has happened in the last year will inspire new legislation. During the 1994 Legislative Session, youth violence bills were presented as a result of the change in people's perception of crime. Individual legislators may wish to address issues that are specific to their district. The Legislature may decide to tackle a major issue, such as the need for drug sentencing reform, when changes in society dictate that a change in state law is needed.

Once a bill has passed both the House and Senate, it is sent to the Governor. The Governor may decide to sign it, veto part of it, or veto all of it. If the Governor vetoes part or all of it, the Legislature may vote to override the veto. If the governor does not act on a bill after the allotted number of days, it is as if it was signed. Once a bill becomes law, it is referred to the appropriate agency for implementation.

C. Judicial

Washington's court system has four levels: courts of limited jurisdiction, superior courts (courts of general jurisdiction), the Court of Appeals, and the Supreme Court. These courts hear both civil and criminal matters.

Because superior courts have no limit on the types of civil and criminal cases heard, they are called *general jurisdiction* courts. Superior courts also have authority to hear cases appealed from courts of limited jurisdiction.

Most superior court proceedings are recorded so that a written record is available if a case is appealed. Appellate courts can then properly review cases appealed to them. Some superior courts use video recordings instead of the customary written transcripts prepared by court reporters.

Court	Terms	Functions
Courts of Limited Jurisdiction (Includes district and municipal courts)	Four-year	<ul style="list-style-type: none">• 30 single or multi-county districts.• Misdemeanor criminal cases• Traffic, non-traffic, and parking infractions• Domestic violence protection orders• Civil actions of \$50,000 or less• Small claims

Superior Courts	Four-year	<ul style="list-style-type: none"> • Civil matters • Domestic relations • Felony criminal cases • Juvenile matters • Appeals from courts of limited jurisdiction • Located in each county in the state.
Court of Appeals	Six-year, staggered	<ul style="list-style-type: none"> • Appeals from lower courts except those in jurisdiction of the Supreme Court
The Supreme Court	Six-year, staggered	<ul style="list-style-type: none"> • Appeals from the Court of Appeals • Administers state court system

D. The Public Initiative Process

A Public Initiative process provides an alternate way for voters to exercise legislative action to effect public policy change. The public initiative process is authorized by RCW 29A.72.010, "Filing proposed measures with secretary of state" (*Effective July 1, 2004.*).

Public initiatives begin with an individual or group deciding to take action to address a need or desire for change in state policy. The initiative is proposed through a petition and must have the signatures of 8 percent of the number of voters voting in the last preceding regular gubernatorial election before it can be certified to be placed on the ballot for voter approval or rejection.

There are two types of initiatives:

1. Initiative to the people. Original legislation by the voters, proposing a new law (or changing existing laws) without consideration by the Legislature.
2. Initiative to the Legislature. Original legislation by the voters, proposing a new law (or changing existing laws) for consideration by the Legislature at its next regular session. If not enacted, it is placed on the next general election ballot.

Some of the Washington State initiatives approved by voters in the recent past have helped to shape criminal justice policy. The Hard Time for Hard Crime Initiative increased penalties for crimes involving a firearm. The Three Strikes Law requires life sentences for persons convicted of three serious crimes.

E. Federal Government

The federal government's jurisdiction and enforcement authority set the parameters for numerous public safety and criminal justice policies. The federal government has jurisdiction for crimes that extend across state borders to other states or foreign countries, as well as policies that must be uniformly applied and enforced from state to state to ensure equal protection under the law.

In addition, federal requirements placed on States as a condition for receiving federal grant funds can have a great impact on how states design and carry out federally-funded services provided by the states.

Sometimes federal legislation adds requirements for states as a condition of receiving federal grant funds. Examples of this type of legislation that have been attached as a condition for receiving Byrne Grant funds include (1) Jacob Wetterling Crimes Against Children and the Sexually Violent Offender Registration Act which required a system for registration of sex offenders; (2) Pam Lychner Sexual Offender Tracking and Identification Act of 1996 which modified the provisions of the Jacob Wetterling Act to require lifetime registration for sexual offenders; and (3) Campus Sex Crimes

Prevention Act which seeks to ensure that campus police agencies are promptly notified of the registration and employment status of convicted sex offenders at institutions of higher education.

The combined impact of federal, state and local jurisdictions' policies blend together to form the operational structure for the criminal justice system. The following chapters give an overview of this system and how it functions from day-to-day in Washington State.



2003-2004 Organization Chart

Washington State Government

Legislative Branch

Executive Branch

Judicial Branch

Senate House of Representatives				Supreme Court	
Joint Legislative Audit and Review Committee	Office of the State Actuary	Court of Appeals	Supreme Court Clerk	Law Library	
Legislative Transportation Committee	Joint Legislative Systems Committee	Superior Courts	Supreme Court Commissioner	Reporter of Decisions	
Legislative Ethics Board	Redistricting Commission	District Courts	Administrator for the Courts	Commission on Judicial Conduct	
Legislative Evaluation and Accountability Program	(activated decennially)	Municipal Courts	Office of Public Defense		

Agencies Managed by Statewide Elected Officers

Commissioner of Public Lands	Insurance Commissioner	Treasurer	Lieutenant Governor	Governor	Attorney General	Superintendent of Public Instruction	Auditor	Secretary of State
Department of Natural Resources Forest Practices Board		Public Deposit Protection Commission State Finance Committee		Office of the Governor Puget Sound Water Quality Action Team Salmon Recovery Office	Executive Ethics Board Governor's Office of Indian Affairs Office of the Family and Children's Ombudsman	Board of Education Academic Achievement and Accountability Commission Professional Educator Standards Board		Productivity Board State Library

Environment and Natural Resources	General Government	Transportation	Health and Human Services	Education	Community and Economic Development
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Agencies Managed by Governor-appointed Executives

Department of Ecology Department of Agriculture commodity commissions Interagency Committee for Outdoor Recreation Salmon Recovery Funding Board Pollution Liability Insurance Program	Office of Financial Management Department of General Administration Department of Revenue Department of Personnel Personnel Resources Board Department of Retirement Systems Employee Retirement Benefits Board Department of Information Systems Integrated Justice Information Board Lottery Commission Department of Financial Institutions Military Department Public Printer Office of Administrative Hearings Board of Accountancy	State Patrol Department of Licensing occupational regulatory boards Traffic Safety Commission	Department of Social and Health Services Department of Labor and Industries Department of Employment Security Department of Health occupational regulatory boards Department of Corrections Department of Veterans Affairs Council for the Prevention of Child Abuse and Neglect Health Care Authority Public Employees' Benefits Board Department of Services for the Blind	School for the Blind School for the Deaf Board of Trustees Workforce Training and Education Coordinating Board	Department of Community, Trade, and Economic Development Economic Development Commission Energy Facility Site Evaluation Council Public Works Board Building Code Council Office of Minority and Women's Business Enterprises Commission on Asian Pacific American Affairs Commission on African-American Affairs Commission on Hispanic Affairs Arts Commission
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Agencies Under Authority of a Board

Fish and Wildlife Commission Department of Fish and Wildlife Parks and Recreation Commission Environmental Hearings Office Pollution Control Hearings Board Shorelines Hearings Board Forest Practices Appeals Board Hydraulic Appeals Board Conservation Commission Columbia River Gorge Commission Growth Management Hearings Boards Eastern Washington Central Puget Sound Western Washington Board of Natural Resources	Liquor Control Board Utilities and Transportation Commission Personnel Appeals Board (abolished 2006) Public Employment Relations Commission Board of Tax Appeals Public Disclosure Commission Board for Volunteer Firefighters and Reserve Officers Gambling Commission Horse Racing Commission Investment Board Statute Law Committee Code Reviser Municipal Research Council Economic and Revenue Forecast Council Caseload Forecast Council Pension Funding Council Forensic Investigations Council Citizens' Commission on Salaries for Elected Officials State Capitol Committee Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 Board	Transportation Commission Department of Transportation Board of Pilotage Commissioners Marine Employees' Commission Transportation Improvement Board Freight Mobility Strategic Investment Board County Road Administration Board	Human Rights Commission Indeterminate Sentence Review Board Board of Industrial Insurance Appeals Criminal Justice Training Commission Sentencing Guidelines Commission Health Care Facilities Authority Board of Health Home Care Quality Authority Tobacco Settlement Authority	Higher Education Coordinating Board Governing Boards of Four Year Institutions of Higher Education University of Washington Washington State University Central Washington University Eastern Washington University Western Washington University The Evergreen State College Board for Community and Technical Colleges Boards of Trustees Community Colleges Technical Colleges Spokane Intercollegiate Research and Technology Institute Higher Education Facilities Authority Washington State Historical Society Eastern Washington State Historical Society	Convention and Trade Center Housing Finance Commission Economic Development Finance Authority
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